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Fitch, Even, Tabin & Flannery
Intellectual Property Law

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FACSIMILE COVER SHEET

Our Ref.: 7570/73233

Date: October 31, 2002

The transmission that follows totals 4 pages, including this cover sheet. Please deliver immediately to the following:

Name: Examiner Sharon Turner
Art Unit 1647
U.S. Patent and Trademark Office

Phone: (703) 308-0056
Fax: (703) 746-3141

This transmission is being sent by Michael A. Sanzo, please call (202-419-7008) if there is a problem with this transmission.

Appl. No.: 09/910,757
Filed: July 24, 2001
Title: The Translation Enhancer Element of the Human Amyloid Precursor Protein Gene
Inventor(s): Rogers, Jack
Atty. Dkt.: 7570/73233

Dear Examiner Turner:

As requested, attached is a Second Preliminary Amendment for the above-noted application.



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Dear Examiner Turner:

As requested, attached is a Second Preliminary Amendment for the above-noted application.

Applicant does not believe that any fees are due for the filing of this Amendment. However, the Commissioner is hereby authorized to charge any fee deficiency to our Deposit Account No. 06-1135 under Order No. 7570/73233.

Very truly yours,

Michael A. Sanzo
Michael A. Sanzo

Reg. No. 36,912

Telephone: (202) 419-7013

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Rogers, Jack

Appl. No.: 09/910,757

Filed: July 24, 2001

For: **The Translation Enhancer Element
of the Human Amyloid Precursor
Protein Gene**

Art Unit: 1647

Examiner: S. Turner

Atty. Dkt. 7570/73233
(Formerly 81994/282402)

Second Preliminary Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In advance of prosecution, please amend the above-captioned application as follows:

Amendments

Please amend claim 13 to read as follows:

13. (Amended) A method for assaying a test compound for its ability to alter the expression of the human amyloid precursor protein, comprising:
- a) preparing a vector for recombinantly expressing a peptide or protein in a eukaryotic cell, wherein said vector comprises:
 - i) a promoter which is active in said eukaryotic cell;
 - ii) a translation enhancer element consisting essentially of the nucleotide sequence of SEQ ID NO:1, wherein said element is 3' to said promoter;
 - iii) a DNA sequence encoding said peptide or protein, wherein said DNA sequence:
 - aa) lies 3' to said translation enhancer element;
 - bb) is operably linked to said promoter; and
 - cc) is non-homologous to said translation enhancer element;
 - b) measuring the expression of said gene in said vector in the absence of said test compound; and
 - c) comparing the expression determined in step b) with the expression of said gene in the presence of said test compound.